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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)

65,620-056

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on August 22, 2005Signature Susan K. OlsonTyped or printed name Susan K. Olson

Application Number

10/711,315

Filed

09/10/2004

First Named Inventor

Natalya Faytlin

Art Unit

3749

Examiner

S. M. Gravini

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

Pre-Appeal Brief Remarks attached.

I am the

☐ applicant/inventor.☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)☒ attorney or agent of record.
Registration number 22,180☐ attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34 _____

Signature

Harold W. Milton, Jr.

Typed or printed name

(248) 723-0352

Telephone number

August 22, 2005

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

*Total of 1 forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application: Natalya Faytlin

Group Art Unit: 3749

Application No.: 10/711,315

Examiner: Stephen M. Gravini

Filed: September 10, 2004

For: BLOWER CONTROL SYSTEM

Attorney Docket No.: 65,620-056

MS Appeal Brief-Patent

Commissioner of Patents

P.O. Box 1450

Alexandria, Virginia 22313-1450

PRE-APPEAL BRIEF REMARKS

Claims 1-17 remain in the application with claims 1 and 17 being independent.

Claims 1 and 17 recite, *inter alia*, a nozzle system (14) that is moved vertically by an actuator (42) and three independent sensors for sensing different contours of a vehicle to provide independent signals for a new mode of operation.

Claim 1 is rejected under 35 U.S.C. § 102(b) over Jones '818. However, Jones '818 does not disclose any nozzle that moves vertically up and down -- the nozzles 30, 34 and 36 of Jones move horizontally. Nor does Jones disclose three separate sensors for independently sensing and producing three different signals -- Jones teaches two sensors (44) and (104) neither of which start a blower nor vertically move the nozzles. The rejection of claim 1 under § 102 is not sustainable.

Claim 17 is rejected under § 103 over Dutton '093. Dutton does not disclose a nozzle system (14) that moves relative to a plenum (12). Dutton does not disclose a first sensor that both actuates the vertical movement and starts the blower. Dutton uses an independent sensor (276) to start the fan motors. It is important that the three sensors be

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Attorney Docket No. 65,620-056


horizontally aligned, which Dutton does not suggest. Most importantly, Dutton does not disclose a controller that coordinates the three signals of the three sensors to start the blower via the first sensor, vertically move and rotate the nozzles relative to the plenum via the second sensor, and for stopping the blower via response to all three sensors. The Examiner uses the "feeler" assembly (113) in Dutton as the first sensor and then reads the wheel (125) of that same "feeder" assembly as the second sensor. These elements are part of one sensor and are not responsive to the claim recitations of two different sensors.

Accordingly, it is respectfully submitted that the Application, is presented in condition for allowance, which allowance is respectfully solicited. Applicant believes that no fees are due, however, if any become required, the Commissioner is hereby authorized to charge any additional fees or credit any overpayments to Deposit Account 08-2789. Further and favorable reconsideration of the outstanding Office Action is hereby requested.

Respectfully submitted

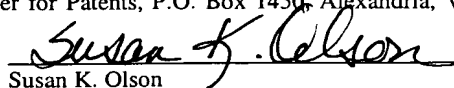
HOWARD & HOWARD ATTORNEYS, P.C.

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CERTIFICATE OF MAILING

I hereby certify that these **Pre-Appeal Brief Remarks** for U.S. Serial No.: 10/711,315 filed September 10, 2004 is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to Mail Stop Appeal Brief-Patent, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on: August 22, 2005.


Susan K. Olson